

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HUMPHRIES,

Plaintiff(s),

-against-

MITSUBISHI CHEMICAL AMERICA, INC.,

Defendant(s).

Case No. 23-cv-06214 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

Presently pending before the Court is Defendant's motion to dismiss Plaintiff's Complaint. Dkt. 14. One of the arguments raised by Defendants, albeit in a very perfunctory manner in its brief and somewhat more fully at oral argument, is that Plaintiff does not have standing to bring his investment claims because Plaintiff does not allege that he invested in the mutual funds or stable-value funds that are alleged to have been imprudently managed by Defendants. Dkt. 15 at 23; Aug. 28, 2024 Oral Arg. Tr. at 30-33. Plaintiff's response was likewise limited in its brief and at oral argument. Dkt. 37 at 20; Tr. at 48-50.

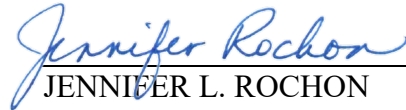
Given that Article III standing is a requirement for this Court's jurisdiction, the Court requires further briefing from the parties on the question of Plaintiff's standing to bring the investment claims in Count I of the Complaint. *See, e.g., Mahon v. Ticor Title Ins. Co.*, 683 F.3d 59, 64 (2d Cir. 2012) ("It is well established that a plaintiff must demonstrate standing for each claim she seeks to press.") (citation and quotation omitted); *Brown v. Daikin Am., Inc.*, No. 18-cv-11091 (PAC), 2021 WL 1758898, at *3 (S.D.N.Y. May 4, 2021) ("Article III standing is an indispensable feature of our separation of powers structure and 'the irreducible constitutional minimum' that must be satisfied before a case can pass through the front gates of federal court.") (quoting *Schlesinger v. Reservists Comm.*, 418 U.S. 208, 220–21 (1974)); *In re Omnicom ERISA Litigation*, No. 20-cv-4141, 2021 WL 3292487, at *6-10 (S.D.N.Y.

Aug. 2, 2021) (examining standing of participant in defined contribution plan to bring ERISA claims).

By September 20, 2024, Defendants shall file a supplemental letter brief of no more than five pages addressing their argument that Plaintiff does not have standing to bring his investment claims. By October 4, 2024, Plaintiff may file a supplemental letter brief of no more than five pages in response. To allow for this additional briefing, this case shall be briefly administratively stayed.

Dated: September 9, 2024
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge